

Attorney for Debtor
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE: Charles J. Simon, Jr., Debtor

Chapter 13

Case No. : 13-34856

Motion to Vacate Dismissal

COMES NOW, Charles J. Simon, Jr., the debtor, by Counsel, Pia J. North, Esq. to move this Court for an order vacating the Order of Dismissal entered by the Court on September 25, 2013. In support of this Motion, the debtor states the following:

1. The debtor filed a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code on September 9, 2013.
2. The meeting of creditors pursuant to Section 341 of Title 11 of the United States Code is set for October 24, 2013 @ 11:00 a.m.
3. The Confirmation Hearing is scheduled for November 26, 2013 @ 11:10 a.m.
4. This matter was dismissed pursuant to Local Rule 3015-2 for Failure to timely file a Chapter 13 plan on or before September 23, 2013.
5. The failure to file the plan was due to a clerical error on the part of the debtor's attorney. The plan was prepared and inadvertently remained un-filed prior to the expiration of the deadline.
6. The plan was filed on September 25, 2013 within one hour of receiving notice of the dismissal. The plan was then mailed to all creditors and parties in interest at that time.
7. Wherefore the debtor, Charles J. Simon, Jr. prays that this case be reinstated the hearing date for the meeting pursuant to § 341 and the Confirmation hearing date remain the same.

Respectfully submitted:
Charles J. Simon, Jr.

By: /s/ Pia J. North, Counsel

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE: Charles J. Simon, Jr., Debtor

Chapter 13

Case No. : 13-34856

**Notice on Motion to Vacate Order of Dismissal
and Notice of Hearing**

Charles J. Simon, Jr. has filed papers with the Court, a Motion to Vacate Order of Dismissal for Failure to Timely File the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Motion to Vacate Order of Dismissal, or if you want the Court to consider your views on the motion, not later than 10 (ten) business days from the date of this Notice, you or your attorney must:

File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rules 4001(a)-1(c) and 9013-1(H). If you mail your response to the court for filing, you must mail it early enough so the Court will receive it on or before the date stated above. You must mail a copy of your response to the following:

Clerk of Court	Pia J. North, Esq.	U.S. Trustee	Robert E. Hyman
U. S. Bankruptcy Court	North & Assocs. PC	701 E. Broad St #4304	P.O. Box 1780
701 E. Broad St # 4000	5913 Harbour Pk Dr	Richmond, VA 23219	Richmond, VA 23218-1780
Richmond, VA 23219-	Midlothian, VA 23112		

NOTICE IS HEREBY GIVEN that this Motion may be allowed provided no response and request for a hearing is made by any party in interest in writing to the Clerk of this Court not less than two days prior to the hearing. If no timely response has been filed opposing the relief requested, the Court may grant the relief requested in the Motion without a hearing. If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motions, and may enter an order granting that relief.

Further Notice is given that if a Response and a request for a hearing is filed by a party in interest within the time indicated a hearing will be conducted on the Motion and Response thereto at a date, time and place to be later set by this Court and all interested parties will be notified accordingly. If no request for a hearing is timely filed, the Court may rule on the Motion and response thereto ex parte and without further notice.

Certificate of Service

I hereby certify that on this September 25, 2013, I mailed the foregoing Motion to Vacate Order of Dismissal, Notice of Motion and the Notice of Hearing was mailed by electronic mail or first class mail, postage pre-paid to: United States Trustee at 701 E. Broad Street, Room 4304, Richmond, VA 23219, Robert E. Hyman P.O. Box 1780 Richmond, VA 23218-1780, Trustee, and to all the creditors and parties of interest herein.

/s/ Pia J. North
Pia J. North

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE: Charles J. Simon, Jr.
Robert E. Hyman, Trustee

Case No. : 13-34856
Chapter 13

MOTION TO SHORTEN NOTICE PERIOD
And EXPEDITE HEARING
Motion to Vacate Dismissal

COMES NOW the debtor, Charles J. Simon, Jr. by counsel and moves this Court pursuant to Local Rule 9013-1 (N) to set a hearing on the Debtor's Motion to Vacate Dismissal for a hearing as soon as practical and Motion to Shorten the Notice Period in this matter. In support of this Motion the debtor states as follows:

1. Debtor has filed a Motion to Vacate Dismissal.
2. An emergency exists in that the automatic stay is currently terminated.
3. The debtor did not cause the emergency.
4. If the matter is reinstated expeditiously the Trustee meeting set for October 24, 2013 and the Confirmation hearing set for November 26, 2013 can remain the same.

WHEREFORE, Debtor requests that the Court shorten the notice period on the debtor's Motion to Vacate Dismissal to not less than two days prior to the hearing to be set by the Court in this matter, and for any and all other relief just and proper.

Charles J. Simon, Jr.
By /s/ Pia J. North

Certification

I Pia J. North certify that I am the attorney for the debtor and further that I have:

- (1) Carefully examined the matter and concluded that there is a true need for an emergency hearing,
- (2) The debtor has not created the emergency through any lack of due diligence, and
- (3) Have made a *bona fide* effort to resolve the matter without hearing. (There is no way to resolve this issue without an Order from the Court)

/s/ Pia J. North

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Shorten Notice Period and Motion for an Expedited hearing and the Notice of Motion was mailed, by first class mail, this 9/25/2013, to the debtor, Chapter 13 Trustee and all creditors and other parties of interest herein.

/s/ Pia J. North
Pia J. North

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE: Charles J. Simon, Jr.

Debtor

Case No. : 13-34856

Chapter 13

Trustee: Robert E. Hyman

**NOTICE OF MOTION TO SHORTEN NOTICE PERIOD
And EXPEDITE HEARING**

Counsel for Debtor has filed papers with the court to Shorten the Notice Period on the debtor's Motion to Vacate Dismissal.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney if you have one in this bankruptcy case. If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion then you or your attorney must file with the court, at the address shown below, a written request for a hearing or a written response pursuant to Local Bankruptcy Rule 9013-1 (H). If you mail your request for hearing or response to the court for filing, you must mail it early enough so the court will **receive it at least two (2) days prior to the hearing on the Motion to Vacate Dismissal that will be set by the Court in this matter,** at the United States Bankruptcy Court, 701 E. Broad Street, Richmond, Virginia, Richmond, VA 23219.

You must also mail a copy to:

Pia J. North
North & Associates, P.C.
5913 Harbour Park Drive
Midlothian, VA 23112

Chapter 13 Trustee
Robert E. Hyman
P.O. Box 1780
Richmond, VA 23218-1780

NOTICE IS HEREBY GIVEN PURSUANT TO LOCAL RULE 9013-1, UNLESS A WRITTEN RESPONSE TO THIS MOTION AND SUPPORTING MEMORANDUM ARE FILED WITH THE CLERK OF COURT AND SERVED ON THE MOVING PARTY NOT LESS THAN 2 (TWO) DAYS PRIOR TO THE HEARING ON THE MOTION TO VACATE DISMISSAL, THE COURT MAY DEEM ANY OPPOSITION WAIVED AND ISSUE AN ORDER SUSTAINING THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

/s/ Pia J. North
Pia J. North